

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CIVIL MINUTES

Date: January 17, 2023	Time: 23 minutes 1:54 p.m. to 2:17 p.m.	Judge: WILLIAM H. ORRICK
Case No.: 17-cv-06748-WHO	Case Name: Diaz v. Tesla, Inc.	

Attorneys for Plaintiff: Larry Organ, Bernard Alexander, Cimone Nunley, and Michael Rubin

Attorneys for Defendant: Daniel Posner and Asher Griffin

Deputy Clerk: Jean Davis

Court Reporter: Digitally recorded

PROCEEDINGS

Case Management Conference conducted via videoconference. The Court thanks counsel for their joint statement and provides guidance.

It is expected that the trial will be completed in one week. Each side will be limited to 9 hours, including opening and closing arguments. Monday and Friday will likely be full days (8:30 a.m. to 4:30 p.m.). Tuesday through Thursday, trial will run from 8:30 a.m. to 1:30 p.m. A preliminary selection conference to excuse prospective jurors from voir dire based upon their jury questionnaire responses will be conducted via videoconference on the Friday prior to trial at 1:30 p.m.

In general, evidence regarding different/new incidents and new witnesses will be prohibited. The parties will be bound by the choices made in the original trial. Defendant may elect to utilize a different PMK given that Ms. Heisen no longer works for Tesla, but the testimony must be consistent with the prior testimony and plaintiff may use the videotape of Ms. Heisen's testimony. Exhibits previously admitted will be admitted in the new trial, subject to the limited scope of the damages-only trial. The time frame for admissible evidence ends with the date of the earlier trial. The Court will consider motions in limine directed to specific evidence or witnesses that would be excluded/included in light of the guidance above if a party believes it/he will be prejudiced as a result of that guidance. "Me Too" evidence is discussed in terms of its relevance to pervasiveness and punitive damages, and may be the subject of a motion in limine.

PRETRIAL SCHEDULE:

Pretrial Conference: February 27, 2023, at 2:00 p.m.

Trial: March 27, 2023 at 8:30 a.m. by Jury